

### **REMARKS/ARGUMENTS**

The Applicants originally submitted Claims 1-36 in the application. The Examiner has asserted that Claims 3 and 24 are allowable if rewritten in independent form. (Examiner's Action, page 4). In response, the Applicants have amended Claims 1, 3, 13, 27, 35 and 36. No claims have been added or cancelled. Accordingly, Claims 1-36 are currently pending in the application.

#### **I. Rejection of Claim 35 under 35 U.S.C. §112**

The Examiner has rejected Claim 35 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In response, the Applicants have amended Claim 35 to distinctly claim the subject matter. Accordingly, the Applicants respectfully request the Examiner to withdraw the 35 U.S.C. §112, second paragraph, rejection.

#### **II. Rejection of Claims 27-32 and 35-36 under 35 U.S.C. §102**

The Examiner has rejected Claims 27-32 and 35-36 under 35 U.S.C. §102(a) as being anticipated by U.S. Patent No. 6,148,213 to Bertocci, *et al.* The Examiner asserts that Bertocci teaches each and every element of independent Claims 27, 35 and 36. (Examiner's Action, page 3). The Applicants respectfully disagree.

Bertocci is directed to a cordless telephone having a telephone answering device interrogatable from a portable unit associated with the telephone. (Column 1, lines 9-12). The portable unit includes a built-in loudspeaker enabling a user to monitor incoming messages received over telephone lines as they are being recorded at the telephone answering device. The user does

not have to configure the portable unit in any way during actual receipt of the message. (Abstract).

Bertocci, however, does not teach a method of operating a telephone answering system (Claim 27) or a method of operating an extension telephone answering device (Claims 35-36) including establishing a wireless communications link between a main telephone answering device and at least one extension answering device incapable of initiating a telephone call as stated in independent Claims 27, 35 and 36. On the contrary, the portable unit in Bertocci can contact the base unit to enable and place a telephone call over a telephone line. (Column 3, lines 6-11). Thus, Bertocci does not teach each and every element of independent Claims 27, 35 and 36.

Since Bertocci does not teach an extension answering device incapable of initiating a telephone call, Bertocci is not an anticipating reference of independent Claims 27, 35 and 36. Because Claims 28-32 are dependent upon Claim 27, Bertocci also cannot be an anticipating reference for Claims 28-32. Accordingly, the Applicants respectfully request the Examiner to withdraw the §102(a) rejection with respect to Claims 27-32 and 35-36.

### **III. Rejection of Claims 1-2, 4-9, 13-18, 20-23, 27-32, and 35-36 under 35 U.S.C. §102**

The Examiner has rejected Claims 1-2, 4-9, 13-18, 20-23, 27-32, and 35-36 under 35 U.S.C. §102(a) as being anticipated by U.S. Patent No. 6,104,923 to Kite. The Examiner asserts that Kite teaches each and every element of independent Claims 1, 13, 27, 35 and 36. (Examiner's Action, page 3). The Applicants respectfully disagree.

Kite is directed to an externally audible remote screening device to be used for or with a call receiving and storage device including call answering machine, service, device, or message storage. (Column 4, lines 22-26). The audible remote screening device may also include an ability for

remote operational control of the call answering machine. The remote screening device may stay in an active ON mode to eliminate a need for the user to search, locate, or activate the remote device or any command signal per call being screened. (Abstract).

As asserted by the Examiner, Kite does not teach a main telephone answering device that responds with a busy signal when unable to process a command as recited in amended independent Claims 1 and 35. (Examiner's Action, page 4). Therefore, Kite does not teach each and every element of the claimed invention associated with independent Claims 1 and 35 and as such, is not an anticipating reference of Claims 1 and 35 and Claims dependent thereon. Accordingly, the Applicants respectfully request the Examiner to withdraw the §102(a) rejection with respect to Claims 1-12 and 35.

Additionally, Kite does not teach a main telephone answering device having independent screening enablement/disablement as asserted in amended independent Claims 13 and 27. Kite teaches an answering machine having volume control independent from a volume control of the remote unit that enables a user to reduce audible detection during screening at the answering machine separately from audible detection at the remote unit. (Column 18, lines 36-59). The independent volume control taught by Kite, however, does not allow a user at the answering machine to completely enable or disable screening at the answering machine independent of enabling or disabling screening at the remote unit. Instead, Kite simply relies on turning-down the volume at the answering machine when screening is not desired at the answering machine but is desired at the remote unit. Kite, therefore, does not teach each and every element claimed in Claims 13 and 27 and discussed in the specification on Page 12, lines 20-23.

Since Kite does not teach a main telephone answering device having independent screening

enablement/disablement, Kite is not an anticipating reference of independent Claims 13 and 27 Claims dependent thereon. Accordingly, the Applicants respectfully request the Examiner to withdraw the §102(a) rejection with respect to Claims 13-18, 20-23 and 27-32.

Furthermore, Kite does not teach controlling operations at a main telephone answering device from an extension telephone answering device during a time when an active call is in progress on a telephone line and the main telephone answering device is not answering the active call as recited in independent Claim 36. On the contrary, in Kite, a user may interrupt a message by picking up a handset. (Column 15, line 60 to Column 16, line 8). When using the handset, however, Kite does not teach that the remote unit may control operations of the answering machine. Kite, therefore, does not teach each and every element of independent Claim 36.

Since Kite does not teach controlling operations at a main telephone answering device from an extension telephone answering device during a time when an active call is in progress on a telephone line and the main telephone answering device is not answering the active call, Kite is not an anticipating reference of independent Claim 36. Accordingly, the Applicants respectfully request the Examiner to withdraw the §102(a) rejection with respect to Claim 36.

#### **IV. Rejection of Claims 12, 25-26 and 33-34 under 35 U.S.C. §103**

The Examiner has rejected Claims 12, 25-26 and 33-34 under 35 U.S.C. §103(a) as being unpatentable over Kite in view of U.S. Patent Application Publication No. 2002/0002707 to Ekel, *et al.* (Ekel). Ekel is directed to remotely controlling the presentation of content using a computer (Page 1, paragraph 6) and is cited by the Examiner to disclose Bluetooth compliant communication. (Examiner's Action, page 3). Ekel, however, does not cure the deficiencies of Kite as discussed

above with respect to independent Claims 1, 13 and 27. Thus, Kite and Ekel, individually or in combination, fail to teach or suggest the invention recited in Claims 12, 25-26 and 33-34 which includes each and every element of independent Claims 1, 13 and 27, respectively. Kite and Ekel, therefore, do not present a *prima facie* case of obviousness of Claims 12, 25-26 and 33-34. Accordingly, the Applicants respectfully request the Examiner withdraw the U.S.C. §103(a) of Claims 12, 25-26 and 33-34.

**V. Rejection of Claims 10-11 and 19 under 35 U.S.C. §103**

The Examiner has rejected Claims 10-11 and 19 under 35 U.S.C. §103(a) as being unpatentable over Kite in view of WO 94/27394 to Sacher, *et al.* (Sacher). Sacher is directed to a personal office receptionist that effectively handles voice message reception operations (Abstract) and has been cited by the Examiner to teach multiple mailboxes of a main unit. (Examiner's Action, page 4). Sacher, however, does not cure the deficiencies of Kite as discussed above with respect to independent Claims 1 and 13. Thus, Kite and Sacher, individually or in combination, fail to teach or suggest the invention recited in Claims 10-11 and 19 which includes each and every element of independent Claims 1 and 13, respectively. Kite and Sacher, therefore, do not present a *prima facie* case of obviousness of Claims 10-11 and 19. Accordingly, the Applicants respectfully request the Examiner withdraw the U.S.C. §103(a) of Claims 10-11 and 19.

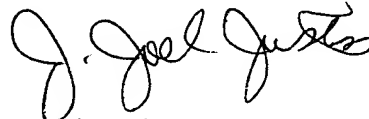
**VI. Conclusion**

In view of the foregoing amendment and remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1-36.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application.

Respectfully submitted,

HITT GAINES, P.C.

A handwritten signature in cursive script, appearing to read "J. Joel Justiss".

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